



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

To open, right click on "Select a bill", select Worksheet Object/Edit. To exit, click outside the spreadsheet.

Bill #	SB0117	Title:	Provide that the state pays costs involved in certain election challenges
Primary Sponsor:	Cobb, J.	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
Other - Proprietary	\$15,663	\$0	\$0	\$0
Revenue:				
Other - Proprietary	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal Impact: The bill requires the Secretary of State to pay attorney's fees awarded by the court in certain contested elections.

FISCAL ANALYSIS

Assumptions:

1. This bill requires the Secretary of State's Office to pay attorney's fees awarded by the court in certain contested elections.
2. The Secretary of State will be responsible to pay for the contested election in House District 12 from the 2004 General Election. In that particular case, the court awarded the prevailing party its attorney's fees in the amount of \$15,663.
3. The only source of funding for the Secretary of State's Office (SOS) is its enterprise fund. Business filing fees constitute the vast majority of revenue to the SOS enterprise fund. The Secretary of State's Office is required by law to establish fees commensurate with the costs of the office. Absorbing the costs of awarded attorney's fees for contested elections may cause the Secretary of State's Office to increase fees on businesses required to file with the office.

4. The Secretary of State's Office may have to intervene in contested elections in the future to ensure that any costs awarded by the court are reasonable thus creating an additional cost to the state. It is unknown how many contested elections there may be in the future.
5. The amount in the HD 12 case is a good example of the cost that would be incurred in a case involving a single county. In a case involving multiple counties it is safe to assume the cost could amount to several times that of the HD 12 case.

Fiscal Impact:**Expenditures:**

Operating Expenses	\$15,663	\$0	\$0	\$0
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Funding of Expenditures:

Other - Proprietary	\$15,663	\$0	\$0	\$0
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Revenues:

Other - Proprietary	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL Revenues	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

Other	(\$15,663)	\$0	\$0	\$0
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*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date